

立法會
Legislative Council

LC Paper No. CB(3) 440/15-16

Ref. : CB(3)/M/OR

Tel : 3919 3300

Date : 3 March 2016

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 16 March 2016

Motion under Rule 91 of the Rules of Procedure

Given the Chief Secretary for Administration's explanation in her letter dated 1 March 2016 (**Appendix 1**), the President has given permission for the Secretary for Financial Services and the Treasury ("SFST") to move a motion under Rule 91 of the Rules of Procedure ("RoP") at the Council meeting of 16 March 2016 to suspend Rule 18(1) of RoP. The motion is in **Appendix 2** for Members' consideration.

2. SFST's motion seeks to allow the Council to consider the Vote on Account ("VoA") Resolution for 2016-2017 before Government bills and other Government motions. The President has directed that SFST's motion be dealt with **immediately after the Question Time**. If the motion is **passed**, the VoA Resolution will be considered before Government bills and other Government motions. If the motion is **negatived**, the business of the meeting will be transacted in the order under Rule 18(1) of RoP.

3. As directed by the President, SFST's motion will be printed in the terms in which it was handed in on the Agenda of the Council.

(Ms Dora WAI)
for Clerk to the Legislative Council

Encl.



1 March 2016

The Hon Jasper Tsang Yok-sing, GBM, GBS, JP
President
Legislative Council
Legislative Council Complex
1 Legislative Council Road
Central
Hong Kong

Dear President,

Motion to suspend Rule 18(1) of the Rules of Procedure

I write to inform you that the Secretary for Financial Services and the Treasury has, pursuant to Rule 91, read together with Rule 29(1), of the Rules of Procedure of the Legislative Council (RoP), given notice today (at **Annex A**) to move a motion at the Legislative Council (LegCo) meeting of 16 March 2016 to suspend Rule 18(1) of the RoP. The purpose of the proposed suspension is to allow LegCo to consider Government's motion on the Vote on Account (VoA) Resolution for 2016-17 **before** Government bills. The wording of the proposed motion is at **Annex B**.

VoA Resolution

As you will appreciate, the VoA Resolution seeks LegCo's authorization of funds on account to enable Government to fund and/or subvent a full range of public services between the start of the coming financial year on 1 April 2016 and the time when the Appropriation Ordinance 2016 comes into operation. The VoA Resolution provides interim funding for education, social welfare, healthcare, security, economic development, environmental protection, financial services, innovation and

technology, etc., whether the services are delivered by Government, the Judiciary or subvented bodies. According to the Budget timetable this year, resumption on the second reading of the Appropriation Bill 2016 would only start in late April. The interim funding to be made available through the VoA Resolution is thus an all-embracing time-critical bridging device.

Urgency

The Secretary for Financial Services and the Treasury has given notice of his intention to move a motion on the VoA Resolution at the Council meeting of **16 March 2016** (at **Annex C**).

According to the 2015-16 LegCo schedule of business, 16 March 2016 is the last Council meeting before the start of the 2016-17 financial year. Taking into account the requirement for Government to complete a series of statutory and accounting procedures to ensure all necessary payments (including those for social security allowances) due on 1 April 2016 can be made without delay, there is an imminent and practical need for the VoA Resolution to be voted on at the Council meeting on 16 March 2016.

Given the urgency and overriding importance of the VoA Resolution, it would be necessary for the order of Council business as prescribed in Rule 18(1) to be changed for the Council meeting of 16 March 2016 so that the Council can consider the proposed VoA Resolution as a matter of priority over Government bills and other Government motions.

Proposed order of business for the relevant Council meetings

To prepare for different scenarios, the motion to suspend the operation of Rule 18(1) of the RoP at Annex B is designed to apply to the Council meeting of 16 March 2016 as well as any subsequent meeting or meetings in which the said motion is put on the Agenda (“the relevant Council meetings”).

Subject to LegCo’s approval of the motion to suspend Rule 18(1), we should be most grateful if you could place the VoA Resolution (a Government motion “*on subsidiary legislation and other instruments made under an Ordinance*” referred to in Rule 18(1)(ja) of the RoP) **before**

“Government bills” (referred to in Rule 18(1)(i) of the RoP) and other Government motions (referred to in Rules 18(1)(j) and (ja) of the RoP) on the Agenda.

Specifically, we propose that Government business at the relevant Council meetings be transacted in the following order -

- (a) Motion on VoA Resolution;
- (b) Government bills;
- (c) Government motions referred to in Rule 18(1)(j) of the RoP;
- (d) Other Government motions referred to in Rule 18(1)(ja) of the RoP.

Thank you for your kind attention.

Yours sincerely,



(Mrs Carrie Lam)
Chief Secretary for Administration

c.c. Secretary General, LegCo Secretariat

Financial Secretary
Secretary for Financial Services and the Treasury
Secretary for Commerce and Economic Development
Secretary for Security
Secretary for the Environment
Secretary for Home Affairs
Permanent Secretary for Financial Services and the Treasury (Treasury)
Permanent Secretary, Chief Executive's Office
Director of Administration

立法會
Legislative Council

致 : 立法會秘書
To : Clerk to the Legislative Council

(傳真號碼 Fax No : 2810 1691)

政府當局作出議案預告
Notice of Motion by the Administration

謹按照《議事規則》第29(1)條作出預告，本人擬在 2016年3月16日舉行的立法會會議上，動議附錄1所列的議案。

In accordance with Rule 29(1) of the Rules of Procedure, I hereby give notice of my intention to move the motion in Appendix 1 at the Legislative Council meeting of 16 March 2016.

~~2. 本人在提出動議時的發言稿載於附錄2。~~

~~A copy of the speech which I will make when moving the motion is in Appendix 2.~~

簽署
Signature:



姓名
Name:

Professor KC Chan

職位名稱
Post title:

Secretary for Financial Services and the Treasury

聯絡人姓名
Name of contact person:

Terence Yuen

聯絡人的聯絡資料
Contact details of contact person:

2810 3659 / 2801 4023 / saoh@fstb.gov.hk

(辦公室電話號碼)
(office tel. no.)

(傳真號碼)
(fax no.)

(電郵地址)
(e-mail address)

日期
Date:

29 February 2016

Motion to be moved by the Secretary for Financial Services and the Treasury under Rule 91 of the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region at the Council meeting of 16 March 2016

That Rule 18(1) of the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region be suspended to the extent that the motion to be moved by the Secretary for Financial Services and the Treasury under section 7(1) of the Public Finance Ordinance (Cap. 2) at the Council meeting of 16 March 2016 –

- (a) is to be placed before any Government bill on the Agenda for the meeting; and
- (b) is to be so placed on the Agenda for any subsequent Council meeting at which the motion continues to be an item of business.

立法會
Legislative Council

致 : 立法會秘書
To : Clerk to the Legislative Council

(傳真號碼 Fax No : 2810 1691)

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簽署
Signature:



姓名
Name:

Professor KC Chan

職位名稱
Post title:

Secretary for Financial
Services and the Treasury

聯絡人姓名
Name of contact person:

Terence Yuen

聯絡人的聯絡資料
Contact details of contact person:

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(辦公室電話號碼)
(office tel. no.)

(傳真號碼)
(fax no.)

(電郵地址)
(e-mail address)

日期
Date:

22 February 2016

Motion to be moved by the Secretary for Financial Services and the Treasury under Rule 91 of the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region at the Council meeting of 16 March 2016

That Rule 18(1) of the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region be suspended to the extent that the motion to be moved by the Secretary for Financial Services and the Treasury under section 7(1) of the Public Finance Ordinance (Cap. 2) at the Council meeting of 16 March 2016—

- (a) is to be placed before any Government bill on the Agenda for the meeting; and
- (b) is to be so placed on the Agenda for any subsequent Council meeting at which the motion continues to be an item of business.